Undoubtedly in the subject treated in this book much depends upon fine shadings of fact and there is much diversity of opinion, but the author might have made an effort to point out the lines along which distinctions are drawn, and where the decisions are conflicting to indicate what is the weight of authority and which the better opinion.

A bad principle of arrangement also contributes to the cloudiness of the book. I was told once of a girl who in packing her trunk tried to leave one end of everything sticking up so that when she wanted a particular article of dress she had only to open the top of the trunk and grab it. The author has followed the same principle in packing his book. He has tried to arrange it so that one can find complete in a separate chapter or separate paragraph the answer to the particular problem of the moment without having or troubling to acquire any knowledge of the general subject. The intent is praiseworthy, but the result, as the result of any similar attempt is bound to be, is simply incompleteness, repetition, and apparent contradiction.

J. G. Boston.

CASES ON ADMINISTRATIVE LAW. By ERNST FREUND. St. Paul, Minnesota: WEST PUBLISHING CO. 1911. pp. xxi, 681.

The study of administrative law is indebted to this compilation of Professor Freund's for a service even more important than that rendered to the law of trusts by the case-book of Dean Ames. The subject matter of the collection still receives but slight recognition in the law school curriculum. Those who concede its existence as a separate field of study disagree as to its scope and content. There is still room for the work of the pioneer. Professor Goodnow has blazed the trail and made straight the way for the student of government. Professor Freund's interest seems to lie more particularly in developing the subject from the point of view of individual private right. His selection and arrangement of cases merits unqualified approval not only because it provides an admirable case-book for the class-room and thus promotes the study of an important subject, but because it aids materially in securing a more definite conception of what are still ill-defined categories of legal principles. Painstaking scholarship and a genius for classification and arrangement have afforded supreme excellence of technique in the difficult art of case-book making.

The cases in the collection deal with the methods of securing judicial relief against administrative action and with objections to the validity of such action either because the power to act was improperly vested in an administrative authority, or because the specific action taken failed to comply with the procedural requirements imposed by some statute or constitution. For the most part these objections may be related to the constitutional requirement of due process of law. Particular decisions upon the remedy available against administrative action may involve directly no constitutional question; yet the impossibility of securing judicial relief may be urged in the proper form of action as a reason for denying the power of the legislature to vest in the administration authority to act in the manner complained of. Certain it is, at any rate, that any conception of the field of American administrative law must embrace many problems of distinctly constitutional import. Administrative law is in large part a subdivision of constitutional law. Schematically the two fields cannot be made dis-

tinct. Yet from the point of view of class instruction this collection involves slight duplication of the work covered in any course in constitutional law. The constantly widening sphere of administrative activity and the corresponding increase in number and importance of the interests of person and property subjected to administrative control make it highly desirable that the special problems treated in Professor Freund's collection be made a separate topic of study in all our law schools.

T. R. Powell.

HANDBOOK ON THE CONSTRUCTION AND INTERPRETATION OF THE LAWS. By HENRY CAMPBELL BLACK. Second Edition. St. Paul, Minnesota: WEST PUBLISHING COMPANY. 1911. pp. xii, 710.

The most distinguished and authoritative interpreter of the civil law in Germany (if not in Europe) during the latter part of the nineteenth century, Professor Windscheid of Leipzig University, was accustomed to tell his students that the degree of freedom with which written laws were interpreted by courts varied in different countries and at different times. In endeavoring to determine and carry out the purpose of a law (*voluntas legis*), courts were accustomed, everywhere and always, "to think over again the thought which the legislator was trying to express." The Roman jurists, however, did more than this: they did not hesitate "to think out the thought which the legislator was trying to think." It was Windscheid's belief that modern courts did not do this; but he knew practically nothing of the history of the English law, and he was apparently not familiar with French judicial practice. In 1904, in connection with the celebration of the centenary of the French Civil Code, M. Ballot-Beaupré, chief justice of the highest court in the Republic, declared that the provisions of the Napoleonic legislation had been adapted to modern conditions by interpretation "in the evolutive sense." "We do not inquire," he explained, "what the legislator willed a century ago, but what he would have willed if he had known what our present conditions would be."

In Mr. Black's treatise on construction, which is substantially a laborious and excellent digest of the American cases on the subject, and which has deservedly achieved the success of a second edition, the student will find no hint of such audacities. Mr. Black has not considered, apparently, what the courts have done or are doing; he has confined his attention to what they say they do. This, of course, is a defensible method of constructing a treatise for practitioners. The lawyer must address the court in its own language. If he wishes the court to extend its power of interpretation, he will cite *dicta* concerning its duty to consider the "spirit and reason of the law" (pages 66-76), and to carry out its "purpose" (pages 76-80), even as regards its "implications" (pages 84-94). He will be careful not to confine too closely the exact degree of power which he wishes the court to exercise; it would imperil his cause to employ the searching analysis of a Windscheid or the frank language of a Ballot-Beaupré.

Mr. Black himself regards all such extensions of the judicial power as illegitimate; and in his preface (page vi) he asserts that our courts are steadily becoming more conservative in this matter. No one's judgment on this point is entitled to higher consideration than Mr. Black's; but his opinion would carry fuller conviction if his method of investigation were different. When he says that a doctrine has been abandoned, it is not always certain that the evidence adduced goes